

REMARKS

In response to the Official Action mailed November 28, 2005, Applicants provisionally elect claim Group I, comprising claims 1-26, 29-31, 44-46 and 54. The restriction requirement is respectfully traversed.

In requiring restriction, the Examiner takes the position that the inventions are related to subcombinations disclosed as usable together in a single combination. Having admitted that the subcombinations are particularly useful together, the Examiner still takes the position that the inventions are separate because they may involve divergent fields of search. However, as the Examiner is well aware, such a factor *per se* is not a basis for determining distinctiveness in accordance with MPEP § 806.

Furthermore, it is respectfully submitted that there is nothing in 35 USC §121 that gives the Patent Office the authority to require restriction between statutory classes unless the claims cover “independent and distinct inventions.” It is respectfully submitted that the statutory requirements, not having been met here for Groups I, II, III and IV, respectively, the Examiner should withdraw the requirement for restriction and provide Applicants with an action on the merits of the withdrawn claims.

It should be noted that the restriction requirements as prescribed by 35 USC § 121 is discretionary with the Examiner, and in view of the remarks above, the restriction requirement in this case should be withdrawn. In summary therefore, all of the claims are believed to be directed to a single invention. However, so as to be fully responsive, Applicants provisionally elect to prosecute Group I, i.e., claims 1-26, 29-31, 44-46 and 54, and it is requested that, without further action thereon, claims 27-28, 32-43, 47-53 be retained in this application

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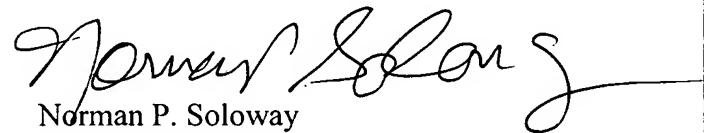
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pending disposition of the application, and for possible rejoinder and/or for filing of a divisional application.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 27, 2005, at Tucson, Arizona.

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